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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. Pro. No. 10-05354 (SMB)

**MOTION OF ABN AMRO BANK
N.V. (presently known as THE
ROYAL BANK OF SCOTLAND,
N.V.) FOR THE ENTRY OF AN
ORDER PURSUANT TO FEDERAL
RULE OF BANKRUPTCY
PROCEDURE 8002(d) FOR AN
EXTENSION OF TIME TO FILE A
NOTICE OF APPEAL AND MOTION
FOR LEAVE TO APPEAL**

ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)

("RBS/ABN") moves for the entry of an order pursuant to Federal Rule of Bankruptcy Procedure 8002(d)(1), extending the time to file a notice of appeal and a motion for leave to appeal in this

adversary proceeding. Counsel for RBS/ABN and counsel for Plaintiff Irving H. Picard (the “Trustee”) have conferred regarding this motion and the Trustee does not oppose the relief sought by RBS/ABN and consents to the Court’s entry of the proposed order attached hereto as Exhibit A granting such relief.

Background

On November 22, 2016, this Court entered the Memorandum Decision Regarding Claims to Recovery Foreign Subsequent Transfers (the “Memorandum Decision”). *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Secs. LLC (In re Madoff)*, No. 08-01789 (SMB), ECF No. 14495. The Memorandum Decision directed the parties to “confer for the purposes of submitting consensual orders consistent with the dispositions of the motions in each adversary proceeding.” *Id.* at 87.

On January 20, 2017, RBS/ABN and Plaintiff Irving H. Picard (the “Trustee”) (together with RBS/ABN, the “Parties”) agreed and stipulated to a consensual order consistent with the disposition in the Memorandum Decision of the motions in this adversary proceeding and the Court, on March 3, 2017, ordered that (i) this Court has subject matter jurisdiction over this adversary proceeding, (ii) RBS/ABN’s Extraterritoriality Motion to Dismiss was denied, and (iii) the Trustee’s Motion to Amend was granted. *See Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. No. 10-05354 (SMB), ECF No. 117 (the “Order”).

Jurisdiction

The Court has subject matter jurisdiction to consider and determine this matter pursuant to 28 U.S.C. § 1334(b) and (e)(1) and 15 U.S.C. § 78eee (b)(2)(A) and (b)(4). This motion is a

core proceeding pursuant to 28 U.S.C. § 157(b). The statutory predicate for the relief requested in this motion is Rule 8002(d) of the Federal Rules of Bankruptcy Procedure.

Relief Requested

RBS/ABN seeks an extension of time to file a notice of appeal and a motion for leave to appeal with respect to the Order to the later of: (i) twenty-one days after the time prescribed by the Federal Rules of Bankruptcy Procedure; or (ii) fourteen days after the date of entry of the Proposed Order. *See* Fed. R. Bankr. P. 8002(d)(3).

Under Federal Rule of Bankruptcy Procedure 8002(a), RBS/ABN may file a notice of appeal within fourteen days of entry of the order, judgment or decree appealed from. That period may be extended upon a party's motion that is filed within the time prescribed by Rule 8002. *See* Fed. R. Bankr. P. 8002(d)(1)(A). The current deadline for RBS/ABN to file a notice of appeal from the Order is Friday, March 17, 2017. Accordingly, this Motion is being filed within the permissible time frame required by Rule 8002(d)(1)(A). Likewise, a motion for leave to appeal is governed by the same rule as the notice of appeal.

The Motion should be granted because the relief requested will enable RBS/ABN to continue to consult with undersigned counsel regarding its appellate options.

Counsel for the Trustee does not object to the relief requested herein and pursuant to the stipulation between the parties attached as Exhibit B, consents to the entry of the proposed order attached hereto as Exhibit A that would grant such relief to RBS/ABN.

WHEREFORE RBS/ABN respectfully requests that this Court enter an order,
substantially in the form attached hereto as Exhibit A.

Dated: March 14, 2017
New York, New York

Respectfully submitted,

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